

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4485 of 2007(M)

CMP.3011/2007 of J.M.F.C.-I,HOSDRUG
CRIME NO.42/2007 OF HOSDURG EXCISE RANGE
.....

PETITIONER/ACCUSED

M.RAGHAVAN, AGED 51/07,
S/O. LATE KUNHIRAMAN, ANANDAMPALLAM DESOM,
KANHANGAD VILLAGE, HOSDURG TALUK.

BY ADV. SRI.MURUGAN P.V.

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING EXCISE RANGE, HOSDURG.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.4485 of 2007

Dated this the 25th day of July 2007

O R D E R

Application for regular bail. The petitioner was allegedly found to be in possession of 10 litres (100 x 100 ml packets) of Karnataka arrack on 01/07/2007. He was arrested and continues in custody from that date. The petitioner is accused in another similar crime under the Kerala Abkari Act which has already been chargesheeted, submits the learned Public Prosecutor.

2. The learned counsel for the petitioner submits that the petitioner, who has been in custody from 01/07/2007, may now be enlarged on bail. The learned Public Prosecutor opposes the said prayer.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 08/08/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007